

REMARKS

In the last Office Action, the Examiner withdrew the rejection of claim 25 as allegedly being anticipated by Stricklin et al., J. Biol. Chem. 258: 12252-12258, 1983 ("Stricklin"). Office Action, page 2. Claim 25 is allowed.

The Examiner rejected claim 43 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. *See id.* According to the Examiner, although the specification provides support for the specific amino acid substitutions disclosed by SEQ ID NO: 7, it does not support the broad genus of amino acid substitutions encompassed by claim 43. *See id.*, page 3.

Solely to expedite prosecution and not acquiescing in the rejection, Applicants propose canceling claim 43 and adding claim 44, which recites a purified collagenase inhibitor protein containing the specific amino acid substitutions supported by SEQ ID NO: 7. The Examiner acknowledges that the specification provides support for these specific changes present in the collagenase inhibitor protein. *See Office Action*, page 3. Applicants reserve the right to pursue the subject matter of canceled claim 43 in a continuing application.

Applicants respectfully request that this Response under 37 C.F.R. § 1.116 be considered by the Examiner. Applicants respectfully request reconsideration and withdrawal of the section 112, first paragraph, rejection.

Applicants submit that application is in condition for allowance. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com


Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 3, 2003

By: 
William L. Strauss
Reg. No. 47,114

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com